

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DWAYNE E. LOUCKS,	:	CIVIL ACTION NO. 1:04-CV-0366
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
JASON JAY, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 8th day of August, 2005, upon consideration of plaintiff's request for entry of default (Doc. 90), and defendant's motion to set aside default judgment (Doc. 96), and it appearing that defendant filed a motion to dismiss (Doc. 71) in accordance with the Federal Rules of Civil Procedure, see FED. R. CIV. P. 55(a) (permitting entry of default against a party who "has failed to plead or otherwise defend"), it is hereby ORDERED that:

1. Plaintiff's request for entry of default (Doc. 90) is DENIED.
2. Defendant's motion to set aside default judgment (Doc. 96) is DENIED as moot.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge